

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 82-52

RESCINDING ORDER NO. 81-66 AND
AMENDING ORDER NO. 80-27, AN ORDER
REQUIRING CHEVRON CHEMICAL COMPANY
RICHMOND, CONTRA COSTA COUNTY TO CEASE
AND DESIST FROM DISCHARGING AND FURTHER
THREATENING TO DISCHARGE WASTES IN VIOLATION
OF REQUIREMENTS OF ORDER NOS. 78-19 (NPDES
PERMIT NO. CA0005061) AND 81-65

The California Regional Water Quality Control Board, San Francisco Bay
Region (hereinafter called the Board) finds that:

1. On March 21, 1978, the Board adopted Order No. 78-19, and NPDES Permit prescribing waste discharge requirements for Chevron Chemical Company (hereinafter called the discharger).
2. On May 20, 1980, the Board adopted Order No. 80-27 requiring the discharger to cease and desist from discharging and further threatening to discharge wastewater in violation of prohibitions set forth in Order No. 78-19 and prescribed time schedules for the implementation of interim and permanent improvements to the wastewater system.
3. On December 16, 1981, the Board adopted Order No. 81-65 prescribing waste discharge requirements for the discharger's evaporation pond system. This Order included a compliance time schedule for the completion of an Aspemix containment barrier around the perimeter of the pond system to prevent migration of the wastes from the site.
4. On December 16, 1981, the Board adopted Order No 81-66 revising the Cease and Desist Order time schedule for completion of the construction of the Aspemix barrier by October 1, 1982.
5. Order No. 81-65, in part, states:

" . . .

C. Provisions

. . .

3. Compliance with Prohibition A.2 and Specifications B.4 and B.7 shall be achieved according to the following schedule:

a) Aspemix wall:

<u>Task</u>	<u>Completion Date</u>
(1) Submit plans and specifications	April 1, 1982

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|-----|---|--------------------|
| (2) | Submit status report | July 1, 1982 |
| (3) | Submit status report | September 1, 1982 |
| (4) | Achieve full compliance | October 1, 1982 |
| (5) | Submit a report signed by a registered engineer indicating that the facilities were constructed according to the plans and specifications | November 15, 1982" |

6. Order No. 81-66, in part, states:

" . . . Item B of Order No. 80-27 shall be revised to read:

B. Permanent Improvements

1. The discharger shall submit to the Board by April 1, 1982 plans and specifications for installation of the facilities necessary to comply with discharge requirements.
2. The discharger shall complete necessary facilities by October 1, 1982 and shall submit a report by November 15, 1982 documenting completion of the necessary facilities as identified by the plans referred to in B.1, above, so as to eliminate threatened violation of Basin Plan Prohibitions."

7. The discharger submitted the plans and specifications, an implementation schedule, and the required status reports for the construction of the Aspenix barrier.
8. The discharger reports in a letter dated June 17, 1982 that heavy rains during the 1981-82 winter, greater than the 1 in 100 year season, resulted in high pond levels. Work on the dikes adjacent to these full ponds during this time would pose a significant risk of dike failure. Because of the adverse consequences of dike failure the discharger has requested a delay in completing the required facilities and now threatens to violate the revised Cease and Desist Order and Waste Discharge Requirements time schedule for the completion of the Aspenix barrier and more time will be required for that construction than had initially been expected.
9. Due to the heavy rain and resulting high pond levels, described in Finding 8, above, which were circumstances beyond the discharger's control, the discharger is threatening to violate the compliance time schedule in the Waste Discharge Requirements Order 81-65 and in the amended Cease and Desist Order No. 81-66. The significant risk of dike failure during construction warrants the delays proposed. However the discharger should develop a contingency plan to preclude additional

delays in achieving compliance during the 1983 summer construction season even if rainfall up to the heaviest that would occur once in a 100 year season is experienced during the 1982-83 winter. Additional time should be allowed for the discharger to complete the work in dikes with a low failure risk during 1982 and the remainder of the project in 1983.

10. This action is an order to enforce the NPDES permit requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.
11. On Wednesday, September 15, 1982, at a meeting starting at 9:30 a.m. in the Assembly Room of the State Office Building, 1311 Jackson Street Oakland, after due notice to the discharger and all the other affected persons, the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED THAT:

1. Item B of Order No 80-27 shall be revised to read as follows:

"B. Permanent Improvements

The discharger shall complete construction of the Aspinix barrier according to the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
(1) Complete the portions of Aspinix barrier as indicated in the discharger's June 17, 1982 letter	by October 1, 1982
(2) Submit status report on the remaining barrier construction current pond levels and how pond levels will be maintained throughout the rainy season to assure timely completion of the barrier to implement the intent of Finding 2 above.	by November 1, 1982
(3) Submit status report on pond levels and barrier construction	by April 1, 1983
(4) Submit construction status report	by July 1, 1983
(5) Complete construction and achieve full compliance	by October 1, 1983

- (6) Submit a report signed by
a registered engineer
indicating that the
facilities were constructed
according to specified
as-built specifications by November 1, 1983
2. The discharger shall comply with Provisions C.3.a. of Order No. 81-66
according to the time schedule provided in 1 above.
3. This Board's Order No. 81-66 is hereby rescinded.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is
a full, true, and correct copy of an Order adopted by the California Regional
Water Quality Control Board, San Francisco Bay Region, on September 15, 1982.

FRED H. DIERKER
Executive Officer